

1 **LENARD E. SCHWARTZER**  
 2850 S. Jones Blvd., Ste 1  
 2 Las Vegas, NV 89146  
 (702) 307-2022

3 TRUSTEE  
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8 **UNITED STATES BANKRUPTCY COURT**  
 9 **DISTRICT OF NEVADA**

10 In re	)	Case No. BK-S 20-10752 ABL
	)	
11 JIMENEZ ARMS, INC.,	)	IN PROCEEDINGS UNDER CHAPTER 7
	)	
12	)	APPLICATION FOR APPROVAL OF
	)	PAYMENT OF AN ADMINISTRATIVE
13	)	EXPENSE TO HEALTHY TECHNOLOGY
	)	SOLUTIONS LLC IN THE AMOUNT OF
14	)	\$1,063.75
	)	
15	)	Date: September 17, 2020
	)	Time: 11:00 a.m.
16	)	Place: Foley Bldg., Third Floor
	)	

17  
 18 LENARD E. SCHWARTZER, Chapter 7 Trustee (the "Trustee"), files this Application for  
 19 Approval of Payment of an Administrative Expenses to HEALTHY TECHNOLOGY SOLUTIONS LLC  
 20 ("HTS") in the Amount of \$1,063.75(the "Application"). This Application is brought pursuant to 11  
 21 U.S.C §503(b), and supported by the Points and Authorities set forth herein, the pleadings on file of  
 22 which the Trustee respectfully requests that this Court take judicial notice, and any argument  
 23 entertained at the hearing on this matter.

24 The Trustee seeks authorization, pursuant to 11 U.S.C. §503(b), to pay an administrative  
 25 expense in the amount of \$1,063.75 to HTS. The administrative expense was incurred and expended  
 26 by the bankruptcy estate for services rendered by HTS in recovering data from the Debtor's  
 27 computers which had been turned over to Nellis Auction.  
 28

JURISDICTION

The Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334. This is a core proceeding pursuant to 28 U.S.C. §157(b). Venue is proper before this Court pursuant to 28 U.S.C. §§1408 and 1409.

BACKGROUND FACTS

1. This case was commenced February 10, 2020, by the filing of a voluntary Chapter 7 petition.

2. The undersigned is the duly appointed and acting Chapter 7 Trustee.

3. During a meeting of creditors, the principal of Debtor advised the Trustee that he had turned over the Debtor's computers to Nellis Auction after deleting all information contained on the computers.

4. The Trustee directed his staff to contact HTS to arrange to go to Nellis Auction, pick up the server and 5 PCs, and recover the information contained therein.

5. The estate paid HTS \$1,063.75 for the services performed for the estate. A copy of HTS's invoice is attached hereto, marked Exhibit "1" and incorporated herein by reference.

6. In the Trustee's business judgment, the administrative expense incurred was actual, necessary costs and expenses to preserve the estate.

MEMORANDUM OF LAW

Allowance of administrative expenses is set forth in 11 U.S.C. §503. Section 503(b) provides in part:

"(b) After notice and a hearing, there shall be allowed administrative expenses, other than claims allowed under section 502(f) of this title, including

(1)(A) the actual, necessary costs and expenses of preserving the estate including --

(i) wages, salaries, and commissions for services rendered after the commencement of the case"

Section 507(a)(2) accords administrative expenses of a bankruptcy estate second priority. Section 503(b)(1)(A) states that administrative expenses include "the actual, necessary costs and expenses of preserving the estate including . . ." and then lists specific categories. Under § 102(3)

"includes" and "including" are not limiting. Therefore, the use of "including" in the preamble of § 503(b)(1)(A) means that actual and necessary costs and expenses of preserving the estate may include types of claims other than those listed under § 503(b)(1)(A) which may be given administrative priority.

*In re 800Ideas.com, Inc.*, 496 B.R. 165, 175 (B.A.P. 9th Cir. 2013). See e.g., *Matter of TransAmerican Nat. Gas Corp.*, 978 F.2d 1409, 1420 (5th Cir. 1992) ("the purpose of the priority treatment afforded by § 503 is to encourage third parties to provide necessary goods and services to the debtor-in-possession so that it can continue to conduct its business, thus generating funds from which prepetition creditors can be paid.") *In re J.A.V. Ag., Inc.*, 154 B.R. 923, 930 (Bankr. W.D. Tex. 1993) (the costs of truck repair were appropriately classified as administrative priority since the costs contributed to the preservation of assets of the estate).

The administrative expense incurred by the bankruptcy estate to preserve the estate was actual, necessary costs and expenses allowable pursuant to 11 U.S.C. §503(b).

#### REQUEST FOR RELIEF

The Trustee respectfully requests that the Court enter an order granting this Application and allowing and authorizing the payment of \$1,063.75 to HEALTHY TECHNOLOGY SOLUTIONS LLC as an allowed administrative expense of this bankruptcy estate, and for such other relief as is just and proper.

Dated: August 10, 2020



LENARD E. SCHWARTZER  
Trustee

#### **DECLARATION OF TRUSTEE**

I declare, under penalty of perjury, that the foregoing is true and correct, to the best of my knowledge, information and belief.

Dated: August 10, 2020



LENARD E. SCHWARTZER

EXHIBIT “1”

Healthy Technology Solutions LLC.  
 2251 N Rampart Blvd., #375  
 Las Vegas, NV 89128  
 (702) 553-3200



Bill To:
Lenard Schwartz, Trustee Attn: Angela Hosey 2850 S. Jones Boulevard, Suite 1 Las Vegas, 89146-5308

Date	Las Vegas Office
07/14/2020	206694
Account	
Schwartz McPherson	

Terms	Due Date	PO Number	Reference
Net 30 days	08/13/2020		

Services	Work Type	Staff	Hours	Rate	Amount
Agreement Billable Time: S&M Law Silver + Storagecraft					
System Engineer	Onsite	Jeffrey Stuhr	2.25	115.00	258.75
System Engineer	Remote Support	Jeffrey Stuhr	0.25/7.00	0.00/115.00	833.75
<b>Total Services:</b>					<b>1,063.75</b>
Agreement Adjustments			Quantity	Amount	
Covered by Agreement: S&M Law Silver + Storagecraft					
Services			(.25)	0.00	
<b>Total Agreement Adjustments:</b>					<b>-28.75</b>
Make checks payable to Healthy Technology Solutions LLC.					<b>Invoice Subtotal:</b> 1,063.75
					<b>State Sales Tax:</b> 0.00
					<b>Invoice Total:</b> 1,063.75
					<b>Payments:</b> 0.00
					<b>Credits:</b> 0.00
					<b>Balance Due:</b> 1,063.75

✓ Thank You For Your Business!

*OK* *cas*

*Exhibit 1*

**Invoice Time Detail**

**Invoice Number:** 206694  
**Company:** Schwartz & McPherson Law Firm

**Member: Stuhr, Jeffrey Date: 5/11/2020**

Staff	Notes	Bill	Hours	Rate	Ext Amt
Stuhr, Jeffrey	<b>Contact:</b> Hosey, Angela Went to Nellis Auctions and picked up server and 5 PCs out of 3 carts full of items, brought back to office and reached out to S&M to see if they had credentials for the devices.  Includes travel time.	Y	2.75	115.00	316.25

**Subtotal: 316.25****Member: Stuhr, Jeffrey Date: 5/12/2020**

Staff	Notes	Bill	Hours	Rate	Ext Amt
Stuhr, Jeffrey	<b>Contact:</b> Hosey, Angela Password Bill gave did not work. Was able to access all PCs and server data and started transferring to external drive, then began process of uploading to OneDrive.	Y	2.00	115.00	230.00

**Subtotal: 230.00****Member: Stuhr, Jeffrey Date: 5/21/2020**

Staff	Notes	Bill	Hours	Rate	Ext Amt
Stuhr, Jeffrey	<b>Contact:</b> Hosey, Angela I will get right on giving everyone access. At any point you may choose to download the files and host them elsewhere, but if you wish for others to access the files from our onedrive, we will need to be contacted and send them a link.	Y	0.25	115.00	28.75
Stuhr, Jeffrey	<b>Contact:</b> Hosey, Angela Trimmed files due to OneDrive folder limitations and make password links to each directory from OneDrive, email sent out with links to  Lenard Schwartz, Trustee Trustee@s-mlaw.com William Holland WHolland2@aol.com Jason Imes JImes@s-mlaw.com Angela Hosey AFHosey@s-mlaw.com	Y	2.25	115.00	258.75

**Subtotal: 287.50****Member: Stuhr, Jeffrey Date: 6/2/2020**

Staff	Notes	Bill	Hours	Rate	Ext Amt
Stuhr, Jeffrey	<b>Contact:</b> Hosey, Angela Dropped off the equipment at Nellis	Y	2.25	115.00	258.75

Auctions today. Includes travel time.
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**Subtotal: 258.75**

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**Invoice Time Total:**

**Billable Hours:**

**9.50**